

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VALERIE W. WAKEFIELD,)	CIVIL DIVISION
)	
Plaintiff,)	Civil Action No. 05 CV 79 – Erie
)	
v.)	Honorable Maurice B. Cohill, Jr.
)	
JOY MINING MACHINERY)	
COMPANY, a division of Harnischfeger)	
Industries,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	
)	<i>Electronically Filed</i>

MOTION TO AMEND CASE MANAGEMENT ORDER

AND NOW, comes the Defendant, Joy Mining Machinery Company, a division of Harnischfeger Industries, by and through its counsel, Pietragallo Bosick & Gordon LLP, and files the within Motion to Amend Case Management Order setting forth as follows:

1. The parties have completed all fact discovery in the captioned matter.
2. The Court's Amended Case Management Order has set January 19, 2007 as the deadline for the deposition of Plaintiff's experts to be completed and for the filing of the Defendant's expert reports.
3. The Court has set a Post-Discovery Scheduling Conference for January 23, 2007.
4. The deposition of one of the Plaintiff's experts has been scheduled and will be completed by January 15, 2007.

5. One of Plaintiff's experts, Steven Millwee, is located in Tampa, Florida.

6. Plaintiff's counsel, by letter dated January 10, 2007, has informed defense counsel of the following:

- that Plaintiff's counsel will not be available during the week of January 15, 2007 due to numerous commitments in other cases; and
- that Mr. Millwee is not available during the weeks of January 15th or January 22nd due to the fact that he will be in trial.

7. Joy respectfully requests that this Court amend the Case Management Order to allow the scheduling of the Plaintiff's expert, Steven Millwee, as soon as practicable after he becomes available, but not later than February 9, 2007.

8. Additionally, this Court's Amended Case Management Order has scheduled a Post-Discovery Scheduling Conference for January 23, 2007.

9. In-house counsel for the Defendant, Lisa A. Borrelli, Esquire, is scheduled to be out of the country during the week of January 22, 2007 to attend the Pennsylvania Bar Association's Mid-Year Meeting. Her presence at the Post-Discovery Scheduling Conference is essential to be able to conduct meaningful negotiations insofar as she has been directly involved with the defense of this case and will be the individual for the Defendant who will have authority to resolve the case, if appropriate.

10. The parties will be in a better position to assess settlement possibilities following the deposition of the Plaintiff's experts.

11. It is expected that Plaintiff's counsel will oppose this Motion.

WHEREFORE, Defendant Joy Mining Machinery Company respectfully requests that this Honorable Court amend the Case Management Order as follows:

- Extend the time to take the deposition of Plaintiff's expert, Steven Millwee, to no later than February 9, 2007.
- Reschedule the Post-Discovery Scheduling Conference to a date after the deposition of Mr. Millwee.

Respectfully submitted,

/s/ Pamela G. Cochenour, Esquire
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LISA A. BORRELLI, ESQUIRE
JOY MINING MACHINERY
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Warrendale, PA 15086

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION TO AMEND CASE MANAGEMENT ORDER** will be forwarded via the ECF system to the following counsel of record this 15th day of January, 2007:

Alexander H. Lindsay, Jr.
Lindsay, Jackson & Martin
128 South Main Street
Butler, PA 16001

/s/ Pamela G. Cochenour, Esquire
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